

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re, LISA FRANCIS, Debtor, TOYOTA LEASE TRUST, Movant, v. LISA FRANCIS, and KENNETH E. WEST, Trustee, Respondents.	Bankruptcy No. 22-10831-elf Chapter 13 Document No.
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Toyota Lease Trust (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Motion for Relief from the Automatic Stay (the “Motion”), representing as follows:

THE PARTIES

1. Respondent, Lisa Francis, (“Debtor”), is an adult individual with a place of residence located at 6348 Militia Court, Bensalem, PA 19020.

2. Kenneth E. West, is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

3. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

FACTUAL BACKGROUND

4. On or about March 31, 2022, Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

5. On or about September 7, 2019, Debtor leased a 2020 Toyota Sienna Passenger Van XLE, VIN# 5TDYZ3DC2LS039737, pursuant to a Closed-End Motor Vehicle Lease Agreement (the “Lease”) with the Movant, a true and correct copy of which is attached hereto as Exhibit A.

6. Movant has a secured interest in the 2019 Toyota Corolla Sedan 4D, VIN# 4T1B11HK2KU215033, as evidenced by the Certificate of Title attached hereto as Exhibit B.

7. The Lease requires monthly payments of \$875.54, which amounts are due on or before the 7th of each month. The Lease will reach maturity on September 7, 2022.

8. As of the date of this Motion, the Debtor is in default of their payment obligations to Movant in the amount of \$2,626.62. Debtor is currently due for the payment due on April 7, 2022.

9. Debtor’s Chapter 13 Plan states that payments to Movant will be made outside the Plan.

10. The gross balance due on the Contract is \$28,511.03.

11. The N.A.D.A value for the 2020 Toyota Sienna Passenger Van XLE, VIN# 5TDYZ3DC2LS039737, is \$41,250.00. A true and correct copy of a printout showing that value is attached hereto as Exhibit C. Therefore, there is minimal equity in the collateral, the Debtor is still responsible for making monthly payments to Movant.

12. Movant is entitled to relief from the automatic stay for cause, including the lack of adequate protection, because the Debtor has failed to make post-petition payments to Movant. 11 U.S.C. §362(d)(1).

WHEREFORE, Movant, Toyota Lease Trust, respectfully requests that this Honorable Court enter an Order, pursuant to 11 U.S.C. § 362(d), granting Movant relief from stay with respect to the 2020 Toyota Sienna Passenger Van XLE, VIN# 5TDYZ3DC2LS039737.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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Dated: June 30, 2022